

300-2008-7 – Attachment 4

Wetlands Reserve Program

Circular No. 50

Attachment 3

Business Process Flow Chart – Action Details

The following lists those items that are to be completed in order to complete the action item listed on the Business Process Flow Chart.

Action 1 – Landowner Application.

NRCS provides the landowner with a list of items that must be provided in order for the application to move forward. (See Action 2.)

Action 2 – Determine landowner eligibility.

1. Landowner provides the necessary information for NRCS to determine if the landowner is eligible to participate including—
 - a. Copy of the deed.
 - b. Proof of compliance with HEL, Wetland Conservation, and AGI provisions of the Farm Bill.
 - c. If an entity
 - Proof that entity is a legal and valid entity in the State, usually a certificate of good standing from the Secretary of State.
 - Documents indicating who has the authority to sign contractual arrangements for the entity.
2. Conduct a preliminary title search to identify any clouds on the title that could potentially delay or prevent closing the easement. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.
3. Conduct a records search to identify any potential hazardous substance issues that may exist that could potentially delay or prevent closing the easement. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.

Action 3 – Determine land eligibility.

This action item is conducted through an on site visit by the appropriate team of NRCS and partner specialists. Items that will be completed during the on site investigation include the following:

1. Determine if the land meets one or more of the requirements to be eligible for enrollment as listed in the WRP statute, rule, and manual.
2. Determine if there are any on site or off site issues that would make the land ineligible for enrollment.
3. Complete the environmental ranking worksheet.
4. Complete preliminary planning activities such that a cost estimate can be derived for the ranking and to ensure that the landowner agrees with the proposed restoration.
5. Complete the Hazardous Substance Checklist.

6. Complete the NEPA, ESA, and NHPA assessments and consultation with the U.S. Fish and Wildlife Service.
7. Complete the Preliminary Certificate of Inspection and Possession.

Action 4 – Make tentative funding decisions.

Select for tentative approval the applications that would be funded given the State's historic FA allocation levels. Select sufficient additional applicants to cover a State's historic dropout rate.

Action 5 – Send selected applicants a letter of tentative acceptance.

This letter will indicate that it is not a promise of funding but permission to move ahead with the next step of the process. It allows NRCS to determine if a landowner remains interested before any additional funds and time are expended.

Action 6 – Unfunded, eligible applicants receive deferral letter.

All eligible applicants not selected for funding initially will be deferred. It is possible, depending on the acceptance rate of selected applicants, that some of these could be selected for funding later.

At this point the process splits into two separate processes depending on enrollment type. Details of the actions for each process are as follows:

Easement Process

Action 1 – Procure an appraisal for easement applications.

Appraisals should be ordered after application ranking has been completed. Environmental ranking and procuring the appraisals should occur in the fiscal year preceding the fiscal year that the application would actually be selected for funding. Funds are obligated for appraisals directly to the agreement used to procure the services, not to the individual easement.

1. When ordering appraisals, the appraiser will be given the following information:
 - a. A map of the proposed easement area.
 - b. Scope of services and any other pertinent instructions.
 - c. The land ownership information.
 - d. A form CCC-505 properly completed and signed by the landowner.
 - e. Water rights information pertinent to the application.
 - f. Results of the Hazardous Substance review.
2. Conduct an on site visit with the landowner and appraiser to ensure that the proper area proposed for enrollment is identified for the appraiser.
3. Once the appraisal is completed, conduct the following activities:
 - a. Complete an administrative review of the appraisal.
 - b. Complete a technical review if necessary as required by current NRCS policy. This review is completed by a qualified contractor. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.
 - c. Complete a review by the NRCS National Appraiser if required by current NRCS policy.

Action 2 – Provide Option Agreement to Purchase to landowner.

Form AD-1157, Option Agreement to Purchase, is mailed to the landowner by certified mail with return receipt.

Action 3 – Landowner accepts offer.

If the landowner signs and returns the AD-1157 accepting the NRCS offer, proceed to Action 4. If the landowner rejects the offer, stop the acquisition process.

Action 4 – State Conservationist signs option.

If funds are available, the State Conservationist signs the AD-1157. At this point, the acres are considered enrolled in the WRP, and acquisition funds are obligated to the Option Agreement to Purchase.

If the landowner chooses to drop out of the program at any point after the State Conservationist signs the AD-1157 but before closing, NRCS stops the acquisition process and initiates cost recovery.

Action 5 – Procure legal boundary survey.

A legal boundary survey must be secured on all easements. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.

1. Provide the surveyor with the following information:
 - a. National scope of services that includes requiring a digital copy of the survey that can be directly uploaded to the national shape file.
 - b. Map of the easement area.
 - c. Title and other ownership information.
2. Conduct an on site visit with the landowner and surveyor to ensure that the proper area proposed for enrollment is identified for the surveyor.
3. When the survey is completed, NRCS will review the survey to ensure accuracy and acceptability.
4. If accepted, provide a digital copy to NCGC for uploading to the national WRP shape file.

ACTION 6 – Complete final engineering designs and surveys.

This action item should begin when the Option Agreement to Purchase is signed and as Action 7 is being conducted.

ACTION 7 – Complete easement acquisition.

1. Obtain and review the title commitment.
2. Prepare the Certificate of Use and Consent.
3. Obtain preliminary title opinion from OGC, sending any information required by your local OGC attorney advisor, including:
 - a. Copy of preliminary title commitment
 - b. Copy of the survey
 - c. Copy of hazardous substance record search and checklist

- d. Copy of water rights information
- e. Copy of Preliminary Certificate of Inspection and Possession
- f. Copy of Certificate of Use and Consent
- 4. Provide closing instructions to closing agent. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.
- 5. Conduct easement closing.
- 6. NRCS signs the deed to accept the easement, and, in states where it is legal, payment is made directly to the landowner, not to the closing agent. The closing agent is paid for closing services.
- 7. NRCS completes the Final Certificate of Inspection and Possession.
- 8. Secure the final title opinion from OGC and have the closing agent record the deed.

ACTION 8 – Complete final restoration plan and develop contract documents.

This action is completed concurrently with Actions 6 and 7. The final restoration plan is completed using the amounts and components resulting from the final engineering plans and designs. The final restoration plan must be signed by both NRCS and the landowner.

The decision is made on the method which will be utilized to implement the restoration. The appropriate contract documents are developed.

ACTION 9 – State Conservationist signs contract.

The State Conservationist approves the appropriate contract documents, and funds for the restoration are obligated directly to that agreement, not to the individual easement.

ACTION 10 – Implement restoration plan.

The following activities are included in this action:

- 1. Practice layout, installation, checkout, and certification.
- 2. Practice payment.
- 3. Conduct on site complex NHPA and ESA activities as required.

Action 11 – Easement monitoring, management, and enforcement.

This action actually begins once the easement closing occurs, and is conducted during restoration as well as after.

Restoration Cost-Share Agreement Process.

Action 1 – Complete final engineering designs and surveys

This action is completed concurrently with Action 2.

Action 2 – Complete final restoration plan and long-term contract.

The final restoration plan is developed concurrently with Action 1 and must be signed by both NRCS and the landowner. Based on the final restoration plan and the practice components and extents from the final engineering plans and designs, the long term agreement with the

landowner is developed. The landowner signs the contract. If the landowner refuses to sign the plan, stop the enrollment process.

Action 3 – State Conservationist signs contract.

The State Conservationist signs the contract, and the funds for restoration are obligated to this agreement. At this point, the acres are considered enrolled in WRP.

Action 4 – Implement the restoration plan.

The following activities are included in this action:

1. Practice layout, installation, checkout, and certification.
2. Practice payment.
3. Conduct on site complex NHPA and ESA activities as required.

Action 5 – Conduct contract management, monitoring, and enforcement.

This action is conducted concurrently with Action 4 and for 10 years after Action 4 is completed.